

**REMARKS**

This amendment is responsive to the Office Action of February 8, 2006.  
Reexamination and reconsideration of the application are respectfully requested.

**The Office Action**

**Claims 1–18** stand subject to a Restriction Requirement.

The Examiner pointed out that listing of references in the specification is not a proper information disclosure statement.

The **Drawings** stand objected to under 37 C.F.R. §1.83(a).

**Claims 1 and 3–6** stand rejected under 35 USC §102(b) as being anticipated by Maruyama et al. (US Patent No. 5,487,741).

**Claim 2** stands rejected under 35 USC §103(a) as being unpatentable over Maruyama et al. in view of Warden et al. (US Patent No. 5,261,910).

**Claims 7–11** stand rejected under 35 USC §103(a) as being unpatentable over Maruyama et al. in view of Aust et al. (US Patent No. 5,180,381).

**Restriction Requirement**

During a telephonic conference with the Examiner on February 2, 2006, applicant's attorney elected the invention in Group I (i.e., **claims 1–6 and 7–11**). Therefore, applicant has cancelled **claims 12–18**, without prejudice.

**Information Disclosure Statement**

Applicant has confirmed that all references listed in the specification have been listed on a PTO/SB/08A form and considered by the Examiner.

**Drawings**

Applicant has amended FIGURE 4a to include reference numerals 72 and 74 for identifying the leading edge and trailing edge, respectively, of the cervical plate 60. Applicant notes the beam is already illustrated in FIGURE 4a with reference numeral 68. For these reasons, Applicant submits the Examiner's objections to the drawings have been overcome.

**The Claims of the Present Application Distinguish Over the Cited References**

**Claim 1** recites a plurality of apertures for passage of screws which attach to respective spinal vertebrae. **Claim 1** also recites that all of the apertures are defined along a single axis and that one of the apertures is defined as a slot.

None of Maruyama et al., Warden et al., or Aust et al. discloses, or is concerned with, a device including all of the apertures along a single axis and that one of the apertures is a slot, as recited in **claim 1**. Therefore, **claim 1** and **claims 2–6 and 19**, which depend therefrom, are patentable over Maruyama et al., Warden et al., and Aust et al., either taken alone or in any combination.

**Claim 7** recites a plate defining at least two apertures along a single axis. **Claim 7** also recites that the apertures are spaced to be associated with respective vertebrae and that one of the apertures is a slot. None of Maruyama et al., Warden et al., or Aust et al. discloses, or is concerned with, a plate defining at least two apertures along a single axis, that the apertures are spaced to be associated with respective

vertebrae, and that one of the apertures is a slot, as recited in **claim 7**. Therefore, **claim 7** and **claims 8–11 and 20**, which depend therefrom, are patentable over Maruyama et al., Warden et al., and Aust et al., either taken alone or in any combination.

New **claim 21** recites a plate attachable to spinal vertebrae. The plate includes a plurality of apertures for passage of screws which attach to respective and adjacent spinal vertebrae. All of the apertures are defined along a single axis, and one of the apertures is defined as a slot. A cleat extends from an interior face of the plate. **Claim 21** and **claims 22–26**, which depend therefrom, are patentable over the cited references.

#### **CONCLUSION**

For the foregoing reasons, it is submitted that the claims of the present application are in condition for allowance. Early notice thereof is respectfully requested.

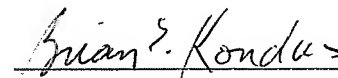
Amendment Dated May 8, 2006  
Reply to Office Action of February 8, 2006

US Application No. 10/804,743

It is believed that there is no fee associated with the filing and consideration of this amendment. Should the Commissioner decide that any fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all such other fees incurred as a result of entering this amendment and response to deposit account number 03-0172.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Brian E. Kondas", is written over a horizontal line.

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